

**Introduced by Senator Romero**February 22, 2005

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An act to amend Section 459 of the Penal Code, relating to crimes.

## LEGISLATIVE COUNSEL'S DIGEST

SB 961, as introduced, Romero. Burglary.

Existing law provides that any person who enters specified areas with intent to commit grand or petty larceny or any felony is guilty of burglary.

This bill would make a technical, nonsubstantive change to this provision.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 459 of the Penal Code is amended to  
2     read:  
3     459. Every person who enters any house, room, apartment,  
4     tenement, shop, warehouse, store, mill, barn, stable, outhouse or  
5     other building, tent, vessel, as defined in Section 21 of the  
6     Harbors and Navigation Code, floating home, as defined in  
7     subdivision (d) of Section 18075.55 of the Health and Safety  
8     Code, railroad car, locked or sealed cargo container, whether or  
9     not mounted on a vehicle, trailer coach, as defined in Section 635  
10    of the Vehicle Code, any house car, as defined in Section 362 of  
11    the Vehicle Code, inhabited camper, as defined in Section 243 of  
12    the Vehicle Code, vehicle as defined by the Vehicle Code, when  
13    the doors are locked, aircraft as defined by Section 21012 of the  
14    Public Utilities Code, or mine or any underground portion

1 ~~thereof~~ *of a mine*, with intent to commit grand or petit larceny or  
2 any felony is guilty of burglary. As used in this chapter,  
3 “inhabited” means currently being used for dwelling purposes,  
4 whether occupied or not. A house, trailer, vessel designed for  
5 habitation, or portion of a building is currently being used for  
6 dwelling purposes if, at the time of the burglary, it was not  
7 occupied solely because a natural or other disaster caused the  
8 occupants to leave the premises.